# INDEX-DIGEST

# TO THE EDITORIALS, NOTES OF RECENT DECISIONS, LEAD-ING ARTICLES, ANNOTATED CASES, LEGAL NEWS, CORRESPONDENCE AND BOOK REVIEWS IN VOLUME 47.

A separate subject-index for the "Digest of Current Opinions" will be found on page 506, following this Index-Digest.

#### ACCIDENT INSURANCE.

liability for death by gunshot wound inflicted by robbers, 420. cause of death, 420.

#### ACTION.

for death by negligence, transitory character of, 158. an action for damages for negligently causing death may be maintained in other jurisdictions than that in which the cause of action arose, where the statutes giving the right of action are not inconsistent with the statutes or public policy of the jurisdiction in which the suit is brought, 158. of transitory actions, 158, 159.

#### ADMINISTRATION.

the status of erroneous payments made by execu-

# AMERICAN BAR ASSOCIATION.

twenty-first annual meeting of the, 167.

#### ANIMALS,

confusion of cattle, 371, 411, 432, 489, 490. liability for damages caused by bringing animals suffering from contagious diseases into a protected territory, 420.

ownership of recaptured wild animal, 439.

#### ASSIGNMENT

a contract with a municipal corporation for lighting its streets, containing a stipulation that the contractor shall not assign such contract without first obtaining the consent of the city indorsed thereon in writing, is not assignable either in whole or in part, 191.

# ASSIGNMENT FOR BENEFIT OF CREDITORS,

creditors of insolvent partnerships have an equity in the firm assets entitling them to payment, in preference to individual members of the firm, which cannot be extinguished by a general assignment by the firm for the benefit of creditors, 112.

under a statute providing that conveyances made with the intent to hinder and defraud other persons of their lawful demands shall be void, a general assignment by the partnership for the benefit of creditors, providing for payment of creditors of individual members of the firm out of firm assets, in preference to firm creditors, is void, 112.

#### BANKRUPTCY.

the new national bankruptcy act, 27.

discharge in bankruptcy, 240.

some points as to procedure under the new national bankrupt act, 303, 308.

Judge Woolson's bankruptcy decision, 333.

construction of section 67 of the new bankruptcy law, 351.

liability in a court of bankruptcy of a stockholder in an insolvent corporation, 359.

defects of the bankruptcy law, 899.

restraining orders in bankruptcy courts, 412.

the new national bankruptcy act supersedes all State insolvent laws from the date of its passage, 460.

promulgation of rules and procedure in bankruptcy, by the United States Supreme Court, 479.

#### BANKS AND BANKING,

a bank holding negotiable bonds pledged without authority as collateral security for a usurious loan to the piedgor, who was treasurer of a corporation which owned such bonds and intrusted them to his custody, is, to the extent of the loan and legal interest, a bona fide holder for value, in the absence of knowledge or notice of the realowership thereof, 148.

a consignor of wheat delivered to a bank a bill of lading, with draft drawn upon his consignee attached. The bank cashed the draft and paid the consignor. The consignor had contracted to furnish sound wheat, but the wheat furnished was of inferior quality. It was held that the bank purchasing the bill of lading became the owner of the wheat, and was responsible to the consignee for the failure to furnish sound wheat, 273.

mere possession by a bank depositor, without notice to the bank, of a rubber stamp making a fac-simile of his signature, does not render him liable for loss of money paid out on checks forged therewith, 822.

deposit and collection of checks bearing forged indorsements, 403.

the dividends on certificate of deposit in insolvent bank, 420.

an indorser of a negotiable instrument guarantees the genuineness of prior indorsements, 460.

#### BENEVOLENT SOCIETY.

rights of seceders, under the constitution and laws of a. 248.

#### BICYCLE

exemption of bicycles from execution, 147.

#### BILLS AND NOTES.

negotiability of note payable "on or before" a certain date, 187.

in the absence of any direct evidence as to where a note was delivered, it will be presumed that it was where the maker resided-that being the place where it was dated and signed-and it will be payble there and governed by the laws of that State, as to negotiability, though describing the payee as of a certain place in another State, 195. the test of negotiability in securities, 394.

an indorser of a negotiable instrument guarantees the genuineness of prior indorsements, 460.

#### BOOKS RECEIVED, 60, 79, 139, 179, 240, 351, 432,

### BUILDING AND LOAN ASSOCIATIONS,

rights of borrowing shareholder, where the association becomes insolvent and a receiver is appointed to wind up its affairs, 28.

the liability of a borrowing member of an insolvent building and loan association, 443.

### BURGLARY,

what constitutes "a breaking," in, 114.

#### CARRIERS OF GOODS.

effect of discount of draft on consignee by bill of lading attached as an assignment of the ownership of the goods, 278.

# CARRIERS OF PASSENGERS,

liability of a railroad company for injuries to a shipper of stock who rode with it in the car, in violation of the terms of his contract, 28.

a passenger who knowingly rides on a train com posed of freight and passenger cars, regularly. run on a branch road, where no other train is re quired by the traffic, assumes additional risks incident thereto, 440.

#### CHATTEL MORTGAGE.

priority of lien on chattel for repairs, over chattel mortgage, 29.

parol evidence to explain ambiguous description of property, 421.

# CHRISTIAN SCIENCE,

as a practice of medicine, 285.

Christian Scientists and the law, 470.

# CONDITION. See DEED.

# CONFLICT OF LAWS,

a marriage between citizens of Pennsylvania, celebrated in Maryland, whither the parties went to evade the Pennsylvania law prohibiting marriage with the paramour, during the life of the injured wife or husband, by one guilty of adultery, is void in Pennsylvania, to which State the parties immediately returned, though there is no such prohibition in Maryland, 134.

governing the validity of marriages, 137.

in the absence of any direct evidence as to where a note was delivered, it will be presumed that it was where the maker resided-that being the place where it was dated and signed-and it will be payable there and governed by the laws of that State, as to negotiability, though describing the payee as of a certain place in another State.

the laws of sister States, 256.

the fact that parties to a marriage go on the high seas to be married, solely to avoid the laws of the State wherein they are domiciled, does not invalidate the marriage, if otherwise valid, 360.

a married woman, incapacitated by the law of the place of her domicile, to bind herself by a promissory note, cannot be made liable on such a note because of the fact that though executed at the place of residence, it was made payable in

#### CONFLICT OF LAWS-Continued.

another jurisdiction where she would be authorized by the law to make such a contract, 361.

where parties go on the high seas, where no law exists, to be married, so as to evade the laws of the State wherein they are domiciled, and immediately after the marriage return and continue to reside in such State, the laws of their domicile apply to the marriage, 360.

where the lender is a resident of one State and the borrower of another, and the evidence of debt and the debt given to secure the payment of same are executed in the State of the borrower's residence, and there is nothing in the papers to indicate that it was the intention of the parties that the contract should be controlled by the law of the State of the lender's residence, the contract as to the validity, form and effect, will be controlled by the law of the State where the contract is executed, 383.

the constitution of Mississippi as repugnant to the fourteenth amendment to the constitution of the United States, 1.

ex post facto laws, 67.

the provisions of the federal constitution relating to trials by jury apply to the territories of the United States, and the jury referred to in that constitution is a jury constituted of twelve jurors, and therefore it was not competent for the State of Utah to provide for a jury of less number, 68.

State regulation of sale and transportation of intoxicating liquors, 107.

validity of statute providing for pensions to policemen, 127.

validity of Ohio Sunday base-ball statute, 187. validity of statute prescribing good character as a condition for license to practice medicine, 207.

statute of Missouri providing that a conviction of embezzlement may be had under an indictment for larceny, is not in violation of the constitution bill of rights, section ten, providing that in criminal prosecutions the accused shall have the right to demand the nature and cause of the accusation against him, 211.

delegation of legislative authority, 251.

validity of "curfew" ordinance, 269.

a question of legislative power over corporations,

validity of taxation of patent rights, 323. contention between State and municipality as to the appointment of municipal police and fire

municipal tax upon persons engaged in a commercial street brokerage business, taking orders for goods, to be filled by non-resident dealers, 342.

validity of the provisions of the revenue law, which require memoranda of sales to be stamped, 359. compulsory vaccination of pupils of schools, 412.

validity of the Illinois land registration act, 419. validity of New York statute making it a misde-meanor to sell or expose convict-made goods without labeling them, as an interference with interstate commerce, 422.

# CONTEMPT,

of courts, by newspaper publications, 266.

liability of the separate estate of married woman, for breach of her contract, 2.

what constitutes a novation, 34, 36 rescission of contract for the sale of land, 56.

recent decisions involving the question of rescission of contract, 58.

to make a will, specific performance of, 68.

an agreement by officers of three separate corporations who became officers of a new corporation which purchased the interest and good-will of the others, not to engage in a like business, is not

Vo

CO

CO

CO

XUM

such a contract in restraint of trade as is void against public policy, 109.

the law of gambling contracts, 169.

a contract with a municipal corporation for lighting its streets, containing a stipulation that the contractor shall not assign such contract without first obtaining the consent of the city indorsed thereon in writing, is not assignable either in whole or in part, 191.

rescission of contract of subscription to the capital stock of a corporation, upon the ground of fraud

and false representation, 192.

a married woman, incapacitated by the law of the place of her domicile, to bind herself by a promissory note, cannot be made liable on such a note because of the fact that though executed at the place of residence, it was made payable in another jurisdiction where she (would, be authorized by the law to make such a contract, 861.

where the lender is a resident of one State and the borrower of another, and the evidence of debt and the debt given to secure the payment of same are executed in the State of the borrower's residence, and there is nothing in the papers to indicate that it was the intention of the parties that

the contract should be controlled by the law of the State of the lender's residence, the contract as to the validity, form and effect, will be controlled by the law of the State where the contract is executed, 383.

of hire, for personal services, indefinite as to time, 426

invalidity of contract for influencing city legislation, in the matter of paving contracts, 460.

specific performance of contracts of a more or less personal character, 486, 488.

#### COOLEY, THOMAS M., death of, 265.

#### CORPORATION.

partnership liability of the stockholders of tramp corporations, 50.

cases supporting the partnership theory, 51. cases denying the partnership theory, 53. text-writers' views, 54.

liability for inducing one by fraud or false representation to subscribe to the capital stock of a corporation, 192,

legislative power over, to regulate charges, 289. liability in a court of bankruptcy of a stockholder

in an insolvent corporation, 359. power of corporations in the acquisition and ownership of real estate, 379.

validity of mortgages made by corporations, 389. power of corporation to convey, lease or mortgage

its property, 389, 391.

guarantying the fidelity of persons holding places of trust, and the performance of contracts and undertakings, and becoming surety on bonds, constitutes a kind of insurance, within the act governing the incorporation of companies, although at the time when the act was passed companies doing business of that nature were not organized within the State, 402.

power of States to tax foreign corporations, 419. theosophical corporation, whether charitable, literary or scientific, within the law of taxation, 459.

CORRESPONDENCE, 139, 240, 256, 294, 333, 371, 411, 432, 452, 471, 489.

disqualification of judge for interest as a taxpayer, 94, 98.

jurisdiction of transitory actions by, 158.

liability of the judge of municipal court in tort for commitment and imprisonment of a person for a crime which he has no jurisdiction to hear and determine, 193.

contempt of courts by newspaper publications, 266.

COVENANT. See DEED.

CREDITORS' BILL,

cannot be maintained by a creditor whose demand is purely legal, where judgment at law has not been obtained, 466.

the fact that because of the non-residence of such debtor an action at law cannot be maintained against him in such jurisdiction, affords no reason of dispensing with the judgment, 466.

#### CRIMINAL LAW.

general principles governing the right of self-defense in homicide cases, 2.

keeping the prisoner manacled during the trial, effect of, 90.

what constitutes "a breaking," in burglary, 114 an innovation in the common law of larceny, 147.

where a person was indicted for grand larceny, and the evidence showed that the crime was embezzlement, it was proper to instruct the jury on that theory, and the conviction for embezzlement is valid under the Missouri statute, 211.

view by jury in criminal case, in absence of defend-

injunction restraining criminal prosecutions, 255. evasion of penal statutes, 270.

where a child born alive afterwards dies by reason of bruises inflicted on it before birth by the beating of its mother, the offense is murder, 288.

in a prosecution for murder, where there was no express malice shown, but where there were acts from which malice is implied, it is not error to limit a jury to the consideration of murder in the second degree, 288.

effect of the presence of a stenographer in the grand jury room, as invalidating its indictments, 821.

one who receives money, a portion of which belongs to himself, as a commission, and which he is entitled to retain as such, is not guilty of embezzlement, though he converts the whole to his own use, 322.

property is taken with the consent of the owner, so that there is no larceny, where one employed by cattle owners to catch thieves, with their consent and authority, co-operates with suspected thieves in planning the taking, and in taking, the cattle, for the purpose of having them arrested while driving the cattle away, 343.

sentencing of a prisoner in his own language, 359. the degree of proof necessary when crime is charged in a civil action, 482.

### DAMAGES.

action for fraud, 70.

rebuttal of presumption of, 188.

## DEATH BY WRONGFUL ACT,

the right of action under the Missouri statute to recover for a death by wrongful act, is an original and not a transmitted right, and exists even where the death is instantaneous, 2,

### DEED.

parol evidence to add covenants, conditions or reservations to deeds, 3.

absolute deed of a homestead as a mortgage, 463.

where a grantee during the life of the grantor paid a part of the price and took possession of the property, the deed may be delivered to him by an executor after the grantor's death, and the title of a grantee whose deed was delivered after the death of the grantor relates back to the time when it was deposited with the executor to be delivered to him, 481.

#### DESCENT AND DISTRIBUTION.

validity of the Illinois inheritance tax act, 1. presumption of survivorship where husband and wife meet death in the same accident, 265.

the rights of after-born children, 806.

construction of the statutes providing for inherit ance and succession tax, 348, 849.

DIGEST OF CURRENT OPINIONS, 18, 39, 60, 79, 90, 100, 120, 139, 161, 179, 190, 201, 221, 240, 257, 279, 295, 314, 334, 351, 371, 393, 412, 482, 452, 472, 490.

#### EASEMENT.

in artificial ditches, 305.

the rights of non-resident beneficiary under a will devising property to an executor or trustee within the State, and directing him to sell it and pay the proceeds to her, constitutes an equitable interest in the property in the hands of an executor within the statute authorizing the levy of a writ of attachment. 466.

# ELECTIONS AND VOTERS,

the "corrupt practices" act of Missouri, 227.

regularity of rival nominations made by political conventions, 442.

a duly assembled convention of a political party may delegate its power and confer upon a duly selected or properly designated committee full authority to nominate candidates for office, 461.

#### ELECTRICITY.

public use of hotel telephone, 399.

#### EMBEZZLEMENT,

where a person was indicted for grand larceny, and the evidence showed that the crime was embezzlement, it was proper to instruct the jury on that theory, and the conviction for embezzlement is valid under the Missouri statute, 211.

one who received money, a portion of which belongs to himself as a commission, and which he is entitled to retain as such, is not guilty of embezzlement though he converts the whole to his own use. 322.

#### EQUITY,

the right of privacy as recognized in, 148.

courts of equity, where the bar of the statute of limitations has attached, will not remove the same merely because of a mutual mistake of law of the parties as to the legal sufficiency of a credit entered upon an evidence of debt to constitute a new promise from the date of which the statute would begin to run, 267.

relief against judgment in equity, 882.

### ESTOPPEL,

of party purchasing real estate pendente lite, 408.

### EVIDENCE,

parol evidence to add covenants, conditions or reservations to deeds. 3.

to rebut the presumption of death arising from a person's disappearance, testimony of a witness who saw a person bearing the supposed deceased's name, as to his appearance and conversations had with him in regard to his family connections, is admissible, 188.

what constitutes evidence of duress, 190.

non-expert opinion evidence, 213. pleading and proof of ordinances, 233.

decisions in other States as, 344.

parol evidence to explain ambiguous description of property in chattel mortgage, 421.

the degree of proof necessary when crime is charged in a civil action, 482.

#### EXECUTION,

exemption of bicycles, 147.

when a person while out of debt has conveyed his property to a trustee, reserving to himself the payment of the net income during his life, with remainder over, and with power in the trustee to sell, the income of such trust estate is not exempt from the claims of his creditors, but may be reached and applied to the payment of the claims of creditors, arising after the creation of the trust, 210.

supplemental proceedings—what liable to seizure—wearing apparel, 405.

supplementary proceedings -seizure of jewelry,

EXECUTORS AND ADMINISTRATORS. See Adminis-TRATION.

#### EXPERT TESTIMONY,

non-expert opinion evidence, 213.

#### EXPRESS COMPANY,

the war stamp act and the express companies, 265.

# FALSE IMPRISONMENT,

constable not justified in arresting a person without a warrant, on the mere statement of the confessed principals in the felony that such person had been a principal in the felony, where not corroborated by trustworthy information from others, or by circumstances affording reasonable ground of suspicion against the person arrested, 400.

#### FEDERAL COURTS,

the judgment of a federal court extends not only to lands in the county in which the court sits, but in the district over which the federal court has jurisdiction, 360.

## FIDELITY INSURANCE,

construction of bond provided for, 88.

guarantying the fidelity of persons holding places of trust, and the performance of contracts and undertaking and becoming surety on bonds, constitutes a kind of insurance, within the act governing the incorporation of companies, although at the time when the act was passed companies doing business of that nature were not organized within the State, 402.

#### FRAUDS, STATUTE OF,

a verbal sale of a permanent building upon land is void under the statute of frauds, 2.

that portion of the statute of frauds of Nebraska which brings within its inhibition verbal or unsubscribed agreements, which by their terms are not to be performed within one year from the time of making, does not extend to agreements wholly performed on one side within the year, 248.

a verbal contract respecting personal property is not within the provision of the statute of frauds, if all that is to be done upon the part of one of the parties thereto is to be performed and is performed within a year from the making thereof, notwithstanding by its provisions, performance on the other part is not to be within the year, 286.

if an entire contract is within the statute of frauds, every covenant, promise or obligation being part thereof, is within the statute, 286.

#### FRAUDULENT CONVEYANCE,

following funds paid on insurance loss by creditors who have been defrauded by a transfer of such property by their debtor to the insured, 89.

#### GAMING,

the law of gambling contracts, 169.

#### IFT.

delivery of a gift after death, 359. what constitutes a delivery of a gift, 361.

GRAND JURY. See CRIMINAL LAW.

# GUARDIAN AND WARD,

liability of guardian for funds invested in Confederate bonds during the rebellion, 247.

# HABEAS CORPUS,

will not lie on behalf of a convicted person on the ground that the sentence to imprisonment is in excess of the statutory period, since such a sentence is erroneous merely and not void, 400.

### HIGHWAY,

liability of a city for defective highway outside the State, though constructed under an act of the other State, giving it the right to do so, 29.

#### HOMESTEAD,

forfeiture of, by desertion, 69.

effect on the exemption rights of the encroachment of a town or city upon a rural homestead, 72. absolute deed of a homestead as a mortgage, 463, J

#### HOMICIDE,

self-defense in, 2.

where a child born alive afterwards dies by reason of bruises inflicted on it before birth by the beating of its mother, the offense is murder, 288.

in a prosecution for murder where there was no express malice shown, but where there were acts from which malice is implied, it is not error to limit a jury to the consideration of murder in the second degree, 288.

HUMORS OF THE LAW, 79, 139, 221, 240, 279, 295, 851, 371, 471, 490,

#### HUSBAND AND WIFE.

liability of the wife for negligence of her agent, 322. the rule that "a married woman can only make such contracts as relate to her separate estate,' surveyed and analyzed, 363.

a letter of credit taken in the names of a husband and wife jointly, though purchased with the husband's money, creates an estate by entireties, as between them therein, and an unexpended balance due thereon at the husband's death becomes the property of the wife, 441.

#### ILLINOIS,

validity of the inheritance tax law of, 1.

IMPUTED NEGLIGENCE. See NEGLIGENCE. INDEPENDENT CONTRACTOR. See NEGLIGENCE. INHERITANCE TAX. See TAXATION.

#### INJUNCTION,

courts of equity will not, by injunction, prevent the institution of prosecutions for criminal offenses. whether the same be violations of State statutes or municipal ordinances, nor will they, upon a petition for an injunction of this nature, inquire into the constitutionality of a legislative act, or the validity or reasonableness of an ordinance making penal the act or acts for the doing of which prosecutions are threatened, 253.

restraining criminal prosecutions, 255. relief against judgment in equity, 382.

# INSOLVENCY,

the new national bankruptcy act supersedes all State insolvent laws from the date of its passage, 460.

# INSURANCE. See, also, FIDELITY INSURANCE.

right to follow the proceeds of insurance money turned over fraudulently by a husband to the wife, 89.

#### INTOXICATING LIQUORS,

the South Carolina Dispensary liquor law, 107. State regulation of sale and transportation of intoxicating liquors, 107.

#### IRRIGATION.

the transfer of water rights, 147.

JETSAM AND FLOTSAM, 239, 278, 333, 351, 371, 393, 412, 470. JOINT TORT-FEASORS.

release of. 88.

#### JUDGE.

liability of the judge of municipal court in tort for commitment and imprisonment of a person for a crime which he has no jurisdiction to hear and determine, 193.

### JUDGMENT

by default, how far constitutes res judicata, 49.

the judgment of a federal court extends not only to lands in the county in which the court sits, but in the district over which the federal court has jurisdiction, 360.

relief against, in equity, 382.

#### JURY.

verdict of jurors obtained by coercion of the court, 47.

coercion of, 399.

#### LANDLORD AND TENANT,

liability of landlord for injuries caused by dangerous premises, 266.

#### LANDLORD AND TENANT-Continued.

under a lease which provides that at the expiration of the term the lessor shall allow the lessees for improvements placed upon the premises, and that the lessor shall become the owner of such improvements "upon payment to the lessees of said sum," the lessees have an implied lien upon the premises for the value of the improvements, which may be enforced in a court of equity, 880.

under modern statutes, one may be guilty of larceny in appropriating to his own use money or

articles lawfully in his custody or possession, 147. where a person was indicted for grand larceny, and the evidence showed that the crime was embezzlement, it was error to instruct the jury on that theory, and the conviction for embezzlement is valid under the Missouri statute, 211.

property is taken with the consent of the owner, so that there is no larceny, where one employed by cattle owners to catch thieves, with their consent and authority, co-operates with suspected thieves in planning the taking, and in taking, the cattle, for the purpose of having them arrested while driving the cattle away, 343.

# LAW BOOKS,

Book Reviews, Digests, General Digest, Vol. 4, 78. American Digest, Century Edition, Vol. 2, 78. Pattison's Missouri Digest, Vol. 2, 432.

k Reviews, Reports,

Missouri Statute Annotations, 78.

#### Book Reviews, Text Books,

Science of Law and Law-making, 89. Short's Law of Railway Bonds and Mortgages, 39. Federal Practice, 79.

Jones on Easements, 79.

Beach on Monopolies and Industrial Trusts, 279. Huffcutt on the Law of Negotiable Instruments, 482. Black on Bankruptey, 482.

Military Law of the United States, 482. Clevenger's Medical Jurisprudence, 482. Shearman & Redfield on Negligence, 498.

relation of the lawyer to the State, 127. a learned attorney, 471.

#### LEGAL REPORTING.

errors in head-notes, 119.

as distinguished from privacy, 153.

proceedings had in chambers on an ex parte application for an injunction pendente lite, are court proceedings, and the publication thereof is privileged, 311.

a publication of judicial proceedings, or of the papers used therein, is privileged only if it is a fair and complete publication thereof, 811, 813.

qualification of words used-reference to particular transaction, 345.

on chattel for repairs, priority over chattel mortgage, 29.

# LIFE INSURANCE,

an aunt has an insurable interest in the life of her niece, living with her at different times from early childhood, and whom she supported, 71.

in the absence of an agreement by the insured to return premiums paid, the insured cannot recover therefor when the insurer refuses to receive any more premiums, and wrongfully cancels the policy, 116.

an insured who has performed all the conditions imposed upon him by a life policy, duly issued and wrongfully cancelled by the insurer, may recover the present value thereof, 116.

the insured, under a life policy which has been wrongfully cancelled by the insurer, may tende the premiums as they become due, and on the

#### LIFE INSURANCE-Continued.

death of the insured the full amount of the policy may be recovered, 116.

recovery of premiums paid, 118. when premiums may be recovered, 119.

# LIMITATION OF ACTIONS,

courts of equity, where the bar of the statute of limitations has attached, will not remove the same merely because of a mutual mistake of law of the parties as to the legal sufficiency of a credit entered upon an evidence of debt to constitute a new promise from the date of which the statute would begin to run, 267.

#### LIS PENDENS.

estoppel of party purchasing real estate pendente

the doctrine of lis pendens with regard to rights of purchasers pending suit, 410.

#### MALICIOUS PROSECUTION.

in its relation to the right of privacy, 153.

action will not lie for the malicious prosecution of a civil suit, without probable cause, where the process in such suit was by summons only, and not accompanied by arrest of the person or seizure of his property, or other special injury not necessarily resulting in all suits prosecuted to recover for like causes of action, 480.

#### MARRIAGE.

annulling marriage for fraud, 90. presumption of validity of, 111.

a marriage between citizens of Pennsylvania, celebrated in Maryland, whither the parties went to evade the Pennsylvania law prohibiting marriage with the paramour, during the life of the injured wife or husband, by one guilty of adultery, is void in Pennsylvania, to which State the parties immediately returned, though there is no such prohibition in Maryland, 134.

the fact that parties to a marriage go on the high seas to be married, solely to avoid the laws of the State wherein they are domiciled, does not invalidate the marriage if otherwise valid, 360.

### MARRIED WOMEN.

liability of the separate estate of, for money borrowed, 2.

a married woman, incapacitated by the law of the place of her domicile, to bind herself by a promissory note, cannot be made liable on such a note because of the fact that though executed at the place of residence, it was made payable in another jurisdiction where she would be authorized by the law to make such a contract, 361.

the rule that "a married woman can only make such contracts as relate to her separate estate," surveyed and analyzed, 363.

where her property is blended with that of others, 364

contracts under which she acquires property.

agreements to pay for services, 366.

suretyship, 366.

miscellaneous cases illustrative of relation between contract and property, 367. conclusion, 867.

### MASTER AND SERVANT.

liability of the master for negligence in providing the servant a dangerous place to work, 128.

the non-liability of a master for injuries sustained by an employee occasioned by the negligence of a vice-principal at the time doing a servant's work, 130,

employer not responsible for injuries to an employee resulting from the use of defective machinery furnished the employee, where the fore-man tested it in the presence of the employee, and the employee was satisfied, 322.

liability for injuries occasioned by independent contractor, 331.

contracts of hire for personal services, indefinite as to time, 426.

#### MECHANIC'S LIEN,

right of lien where the work is done upon land without the acquiescence, though with the knowledge of the owner, 10.

right of, as against a vendee of the property, who became such during the erection of the improvement. 10.

the law of, regarding the validity of the lien, where the contract not made with the owner of the land,

#### MISSISSIPPI,

the new constitution of, as repugnant to the four-teenth amendment to the constitution of the United States, 1.

construction of the Missouri "corrupt practices" act. 227.

applicability in Missouri of changes in law of proceeding to pending cases, 386.

#### MORTGAGE.

a grantee of mortgaged premises, whose conveyance recites that he assumes and agrees to pay the mortgage debt, is not liable for a deficiency arising on the foreclosure of the mortgage, where his grantor was not liable, 287.

validity of mortgages made by corporations, 389 absolute deed of a homestead as a mortgage, 463.

#### MUNICIPAL CORPORATION.

not liable for defective highway outside the State, though constructed under an act of the other State, giving it the right to do so, 29.

effect on the exemption rights of the encroachment of a town or city upon the rural homestead, 72. use of municipal funds for private enterprises, 167.

in the absence of statutory provision, not liable in damages to one injured by the negligent acts of its fire department, 189.

not liable for negligence in omitting to inform the members of its fire department of defects in the apparatus of the department, known to itself, nor for neglecting to instruct its fire department in the proper use and management of such apparatus, 189.

liability of, for the negligence of servants, 227.

pleading and proof of ordinances, 233 delegation of legislative authority, 251.

validity of "curfew" ordinance, 269, 379.

in the absence of statutory provision, not liable in damages to one injured by the negligent act of its fire department, or any of its members, nor is it liable for negligence in omitting to inform the members of its fire department of defects in the apparatus of the department, 292, 294.

obligations imposed upon municipal corporations with respect to snow and ice on sidewalks, 326. contention between State and municipality as to

the appointment of municipal police and fire board, 841.

while enforcing a valid ordinance, requiring citizens to submit to vaccination, is not liable to a citizen who may sustain damage on account of impure vaccine matter administered to him by one of the officers or agents of such corporation,

invalidity of contract for influencing city legislation, in the matter of paving contracts, 460.

#### NATIONAL BANKS.

right of, to charge usury, 196.

#### NECROLOGY.

death of Thomas M. Cooley, 265.

# NEGLIGENCE,

effect of intervening agency, in the doctrine of proximate and remote cause, 48.

where a lumber company loads a car with lumber. and delivers it to a railroad company, which fails to inspect the load, and afterwards the lumber shifts and kills an employee of the railroad company, the lumber company is not liable, 48.

a landowner is not bound to fence or otherwise guard an open excavation or pond, natural or NEGLIGENCE-Continued.

artificial, on his land, so as to prevent injury to children coming thereon without right or invitation, express or implied, and though they are induced so to do by the alluring attractiveness of

such excavation or pond, 75.
recent cases on the liability for negligence of the owner of dangerous premises attractive to chil-

dren, 77.

one who negligently sets fire to his own premises is responsible to an adjoining proprietor, to whose property the fire is communicated, as the proximate result of such negligence, 108.

transitory character of actions for death by, 158. liability for negligence of the owner of dangerous premises, attractive to children, 167.

liability of municipal corporation for the negligence of its fire department, 189.

liability to third person for the sale of defective ar-

ticles, causing damage, 208.

an owner of real estate, who has engaged a con-tractor to remove rock from his premises by blasting, is not responsible for the negligence of such contractor or his employees in doing the work; nor can he be held liable for damages caused by such negligence, upon the theory of an obligation to use care in selecting the contractor, 237.

liability for damages caused by an independent contractor, 238.

where, by agreement between two co-employees, it becomes the duty of one to look out and give notice to the other of approaching danger, the relation of principal and agent exists between them in this respect, and negligence of the former in the performance of such duty is imputable to the latter, 248.

liability of landlord for injuries caused by dangerous premises, 266.

liability of municipal corporation for negligence of its fire department, 292, 294.

liability to third person for negligence in the sale of defective articles, 304.

liability of the master for injury to the servant occasioned by defective appliances furnished by the master, 322.

liability of wife for the negligence of her agent, 322. where the proprietor of a public place of amusement employed another to make a balloon ascension therefrom, who was free to exercise his own judgment as to the means of making it and in inflating the balloon, the contractor used implements not contemplated by his employer, without the proprietor's knowledge, the proprietor was not liable for injuries sustained by a spectator through the use of such instruments, 381, 342. the liability of landowners to children, 898.

cause of action is not stated by a complaint merely alleging that on a certain day defendant "wrongfully and negligently killed" plaintiff's intestate,

street railway company not liable for failure to stop a car running at a proper speed on approaching a frightened horse, where it does not appear that thereby the horse could have been controlled, or that the motorman had reason to apprehend the occurrence of an accident, 462.

NEGOTIABLE INSTRUMENTS. See BILLS AND NOTES.

NOTARY PUBLIC,

a female duly elected and commissioned as notary public, is a de facto public officer, and her official acts are not void as against the public and third persons, 250.

a notary is an officer holding a public office, 250

NOVATION,

what constitutes a novation, 84, 86.

OFFICE AND OFFICERS,

a notary is an officer holding a public office, 250.

a female duly elected and commissioned as notary

OFFICE AND OFFICERS-Continued.

public, is a de facto public officer, and her official acts are not void as against the public and third

validity of Sunday base-ball statute of, 187.

PAROL EVIDENCE. See, also, EVIDENCE.

to add covenants, conditions or reservations to deeds, 3.

PARTNERSHIP,

creditors of insolvent partnerships have an equity in the firm assets entitling them to payment, in preference to individual members of the firm, which cannot be extinguished by a general assignment by the firm for the benefit of creditors,

under a statute providing that conveyances made with the intent to hinder and defraud other persons of their lawful demands shall be void, a general assignment by the partnership for the benefit of creditors, providing for payment of creditors of individual members of the firm out of firm assets, in preference to firm creditors, is void, 112.

PATENTS FOR INVENTIONS,

validity of taxation of patent rights, 328. taxation of patent rights, 371.

PHYSICIANS AND SURGEONS.

validity of statute prescribing good character as a condition for license to practice medicine, 207.

Christian Science as a practice of medicine, within the terms of a statute making it unlawful to so practice without license and authority, 285.

PLEADING.

and proof of ordinances, 238. applicability in Missouri, of changes in law of proceeding, to pending cases, 886.

general principles, 386. Missouri decisions, 386.

interlocutory decrees, etc., appeals from, 387.

witness-interest not to disqualify, 387.

evidence-disputed writings, 387. challenging jurors, time for, 888.

new trials, stating reasons for, 388

appeals, when returnable, 388.

damages, punitive statement of, in the verdict,

cause of action is not stated by a complaint merely alleging that on a certain day defendant "wrongfully and negligently killed" plaintiff's intestate,

general principles governing pleading in actions for negligence, 451.

recent decisions as to averments of negligence in action for personal injuries, 451.

a bank holding negotiable bonds, pledged without authority as collateral security for a usurious loan to the pledgor, who was treasurer of a corporation which owned such bonds and intrusted them to his custody, is, to the extent of the loan and legal interest, a bona fide holder for value, in the absence of knowledge or notice of the real ownership thereof, 148.

PRESUMPTION,

rebuttal of presumption of death, 188.

of survivorship where husband and wife meet death in the same accident, 265. as to foreign statutes, 344.

PRINCIPAL AND AGENT.

set-off by a purchaser of goods of a demand against a principal who intrusts the agent with power to seil in his own name, without disclosing the name of his principal, 342.

PRINCIPAL AND SURETY.

where a bond is delivered by a principal, in violation of a condition on which it was signed by the sureties, the obligee may nevertheless recover

#### PRINCIPAL AND SURETY-Continued.

thereon if he was ignorant of the conditions on which the sureties signed, 69.

liability of the sureties of a sheriff for the lynching of prisoner by a mob, 368.

# PRIVACY,

the right of, as recognized and protected in law and in equity, 148.

definition, 148. natural right, 149.

development of the right to life, 149. development of the right to liberty, 149. development of the right to property, 149. nature of the development, 149. identification of the right of privacy, 150. objections to the old systems of relief, 150. as recognized and protected at law, 151. elevated railroads, 151.

invasion by physician, 151.

exposure of the body as evidence, 152. publications descriptive of operations, 152. breach of promise, 153.

malicious prosecution, 153.

seduction, 153.

desecration of dead bodies, 153.

delayed telegrams, 153.

slander and libel distinguished from privacy, 153. as recognized and protected in equity, 154. letters and analogous cases, 154.

photographs and analogous cases, 156. does equity in other cases enjoin when property

rights are not threatened, 157. privacy and the nuisance distinguished, 157.

protection of the right of, 333. PRIVILEGED COMMUNICATIONS. See WITNESS.

#### RAILROAD COMPANIES,

the decision of the United States Supreme Court in the Joint Traffic Association case, 359.

street railway company not liable for failure to stop a car running at a proper speed on approaching a frightened horse, where it does not appear that thereby the horse could have been controlled, or that the motorman had reason to apprehend the occurrence of an accident, 462.

validity of the Illinois land registration act, 419.

RELEASE AND DISCHARGE.

the rule that a settlement by a discharge of one of two or more joint wrongdoers operates as a discharge of both, has no application unless both are guilty of the wrongful act, 88.

### REMOVAL OF CAUSES,

time within which a cause may be removed from a State to a federal court, 174, 178.

extension of the time for removal, by consent, 174.

# RESCISSION.

one who pays money on a contract cannot recover the same unless he is entitled to a rescission, 56. when rescission of a contract will be decreed, 56.

a contract for the sale of land will not be rescinded at the suit of the vendee, because the vendor has incapacitated himself either from conveying the entire tract bargained for, or conveying it free from incumbrance, where the vendee did not promptly take action to rescind, upon recovery of the breach, 56.

recent decisions involving the question of rescission of contract, 58.

#### RES JUDICATA.

judgment by default in action by a physician against his patient to recover for professional services, is not a bar to an action by the patient against the physician for damages caused by malpractice in the performance of such services,

# RESTRAINT OF TRADE,

an agreement by officers of three separate corporations, who became officers of a new corporation,

#### RESTRAINT OF TRADE-Continued.

which purchased the interest and good-will of the others, not to engage in a like business, is not such a contract in restraint of trade as is void against public policy, 109.

#### REVENUE LAW.

puzzling questions in the construction of the new war stamp act, 67.

the war stamp act and the express companies, 265. validity of the provisions of the revenue law which requires memoranda of sales to be stamped, 359.

right to a reward by parties making faise representations, 70.

#### SCHOOLS.

compulsory vaccination of pupils, 412.

#### SEDUCTION.

in its relation to the right of privacy, 153.

#### SENTENCE AND PUNISHMENT.

sentencing of a prisoner in his own language, 359.

liability of sheriff and the sureties of the sheriff for

the lynching of a prisoner by a mob, 368. general principles governing the liability of sheriffs 370.

#### SLANDER,

as distinguished from privacy, 153.

qualification of words used-reference to particular transaction, 345.

#### SOUTH CAROLINA,

the Dispensary liquor law of, 107.

#### SPECIFIC PERFORMANCE.

of a contract to make a will, 68.

of contracts requiring the performance of special

skill, taste and judgment, 486.

where specific performance of a contract in its entirety is refused as being impracticable, the bill should notwithstanding be retained to restrain the defendant from violating a severable covenant thereof capable of practicable enforcement by injunction, 486.

recent important cases on the law of specific per-formance as applied to contracts of a more or less personal character, 488.

#### STATE.

publication of the laws of the State and appropriation therefor, 199.

contract by the secretary of state for the printing of the laws and journals, 199.

### STATUTES,

it is the official duty of the secretary of state to prepare the copies of the laws and journals for the printer, 199.

where the legislature, in a statute, employs language which has elsewhere received a fairly well settled construction, it will be presumed that such construction was in the contemplation of the legislature, and expresses the true meaning,

evasion of penal statutes, 270.

presumption as to foreign statutes, 344.

decisions in other States as evidence in the construction of foreign statutes, 344.

# STOCKHOLDER. See CORPORATION.

SUCCESSION TAX. See TAXATION.

### SUNDAY.

validity of Ohio Sunday base-ball statute, 187.

# TAXATION.

validity of the Illinois inheritance tax act, 1.

validity of taxation of patent rights, 323. municipal tax upon persons engaged in a commercial street brokerage business, taking orders for goods to be filled by non-resident dealers, 342.

application of the inheritance and succession tax law to the real estate bonds of railroad companies of other States and bonds of the United States, 348.

TAXATION-Continued.

application of the inheritance and succession tax law to foreign wills and property of non-resident, 348.

of patent rights, 371.

payment of a debt by bequest whether exempts the property so given from taxation, under inheritance tax law, 359.

power of States to tax foreign corporations, 419. theosophical corporation, whether charitable, literary or scientific, within the law of taxation, 459.

TELEGRAPH COMPANIES,

the doctrine of mental suffering arising from delayed telegrams, in its relation to the right of privacy, 158.

TRADE-MARK.

deception in trade mark, 87.

injunction to restrain the use as a trade-mark of an adjective describing the excellence of a business. 381

TRADE NAME. See TRADE-MARK.

TRESPASS.

what constitutes a malicious trespass, 382. liability for malicious injury to trespasser, 452.

TRIAL,

surprise as a ground for a new trial, 30.

verdict obtained by coercion of the court, 47, 139,

validity of act of Utah providing for a jury of less than twelve, 68.

disqualification of judge for interest, 94, 98.

misspelled verdicts in Texas, 379.

the degree of proof necessary when crime is charged in a civil action, 482.

"TRUSTS."

decision of the United States Supreme Court in the Joint Traffic Association case, 359. legality of live stock exchanges, 379.

laundries and the anti-trust law, 459.

TRUSTS AND TRUSTEES,

following trust funds, 68.

when a person while out of debt has conveyed his property to a trustee, reserving to himslf the payment of the net income during his life, with remainder over, and with power in the trustee to sell, the income of such trust estate is not exempt from the claims of his creditors, but may be reached and applied to the payment of the claims of creditors, arising after the creation of the trust, 210.

liability of beneficiaries and trustee for goods sold under a deed of trust by an insolvent debtor, 213. liability of guardian for funds invested in Confederate bonds during the rebellion, 247.

locus penitentia of a trustee, 278.

HSURY.

right of national banks to charge usury, 196. IITAH.

validity of act of, providing for a jury of less than twelve, 68.

VENDOR AND PURCHASER,

rescission of contract for the sale of land, 56.

a suit to enforce a vendor's lien may be maintained even though the conveyance be effective if it be made good before final decree, 250.

a vendee in possession under a conveyance with covenants, cannot rescind a contract on the ground of defects in the title, in the absence of fraud or the vendor's insolvency, and will be compelled to accept a title made good before final decree, 250.

a grantee of mortgaged premises, whose conveyance recites that he assumes and agreed to pay the mortgage debt, is not liable for a deficiency arising on the foreclosure of the mortgage. where his grantor was not liable, 287.

estoppel of party purchasing real estate pendente lite. 408

the doctrine of lis pendens with regard to rights of purchasers pending suit, 410.

where a grantee during the life of the grantor paid a part of the price and took possession of the property, the deed may be delivered to him by an executor after the grantor's death, and the title of a grantee whose deed was delivered after the death of the grantor relates back to the time when it was deposited with the executor to be delivered to him, 481.

VENDOR'S LIEN. See VENDOR AND PURCHASER.

VERDICT,

obtained by coercion by the court, 47, 189, 399. effect of a misspelled verdict, 379.

by jury in criminal case in absence of defendant, 227.

WAREHOUSEMAN,

damages not recoverable from a warehouseman, a bailee for hire, because of injury to the goods stored, through the unfitness of the warehouse as a place of storage, where the bailor has equal op-portunities with the bailee of knowing whether his goods are liable to injury by storage in an unsuitable place, 429.

recent cases on the liability of warehousemen for loss or injury to goods, 480.

WATERS.

right of passage on a navigable stream, is a common one, but must be exercised with due regard to the rights of the riparian owners, and with ordinary care and skill, 108. floating of logs in navigable waters causing dam-

age, 108.

irrigation and the transfer of water rights, 147.

easement in artificial ditches, 305.

specific performance of a contract to make a will, 68. rights of after-born children, 306.

payment of a debt by bequest, whether exempts the property so given from taxation, under inheritance tax law. 359.

WITNESS,

statements made in confidence to a fellow member of the Masonic order, are not privileged com-munications protected from disclosure by a wit ness, 218.

communications not privileged, 219.

privileged communications between physician and patient, 294.

# SUBJECT-INDEX

# TO ALL THE "DIGESTS OF CURRENT OPINIONS" IN VOL. 47.

This subject-index contains a reference under its appropriate head to every digest of current opinions which has appeared in the volume. The references, of course, are to the pages upon which the digest may be found. There are no cross-references, but each digest is indexed herein under that head, for which it would most naturally occur to a searcher to look. It will be understood that the page to which reference, by number, is made, may contain more than one case on the subject under examination, and therefore the entire page in each instance will necessarily have to be scanned in order to make effective and thorough search.

Abatement and Revival, 179.

Accident Insurance, 13, 79, 100, 257, 295, 314, 334, 413; finding of fact, 13; notice of injury, 79.

Accord and Satisfaction, 314, 352, 472; what constitutes, 314.

Account, pleading, 89.

Account Stated, 80, 120; correction, 120.

Action, 13, 80, 100, 161, 257, 295, 314, 453; by infant, 13; consolidation, 314; joinder, 453; parties, 80; splitting cause of action, 18; venue, 257, 295.

Administration, 13, 80, 140, 161, 180, 201, 240, 258, 280, 295,

Administration, 18, 80, 140, 161, 180, 201, 240, 258, 280, 295, 372, 383, 488, 472; executors, 18, 140, 161, 201, 240, 472; foreign administrators, 258; presentation of claims, 295; sale by administrator, 90, 120.

Admiralty, 13, 59, 60, 413; maritime contract, 60; shipping, 13, 413.

Adoption, 13, 258.

Adultery, 102. Adverse Possession, 18, 201, 221, 240, 258, 295, 352, 372, 894, 491; burden of proof, 295; color of title, 258; instructions, 18.

Animals, larceny, 13.

Appeal, 13, 60, 80, 120, 180, 201, 240, 258, 296, 352, 413, 433, 453, 472; adverse party, 433; affirmance, 180; bill of exceptions, 201; case made, 453; death of party, 413; error, 433; jurisdiction, 240; oral arguments, 18; parties, 14, 60; petition in error, 472; presumptions, 413; record, 472; supersedeas bond, 80, 296; temporary injunction, 60; writ of error, 240.

Appearance, recital in judgment, 221.

Arbitration and Award, 140, 221, 394.

Architects, 296.

Arrest, without warrant, 296.

Arson, 122, 316.

Assault and Battery, 352.

Assignment, for benefit of creditors, 14, 60, 80, 100, 201, 221, 258, 314, 352, 372, 394, 413, 491; of salary, 39; set-off and counterclaim, 296.

Associations, actions against, 120.

Assumpsit, 14, 39, 394, 472; money had and received, 14. Attachment, 14, 39, 80, 100, 120, 140, 161, 180, 201, 240, 258, 280, 384, 372, 394, 418, 432, 472, 491; abandonment, 120; affidavit, 14; amendment of affidavits, 372; appearance, 80; debt not due, 100; execution, 433; forthcoming bond, 491; grounds, 14; implied contract, 413; interpleader, 372; intervention, 180; levy on corporate stock, 201; mortgaged property, 432; notice of prior lien, 140; rights of creditor, 240; sale, 280; stock in foreign corporation, 39; sufficiency of affidavit, 472.

Attorney and Client, 80, 161, 180, 202, 280, 296, 814, 372, 472. Attorney's Lien, 202, 453.

Bailment, 80, 161, 814, 334; application of payments, 161. Bankruptcy, schedule, 89.

Banks and Banking, 14, 40, 60, 80, 100, 120, 140, 161, 221, 258, 815, 334, 352, 394, 413, 433, 491; deposit, 60, 120; liability of stockholders, 40; loans to cashiers, 140.

Bastardy, 14, 180, 394.

Benevolent Society, 140, 202, 222, 296, 872, 488, 458.

Betterments, 162.

Bicycle, 258. Bigamy, 223.

Bills and Notes, 14, 40, 60, 80, 100, 120, 140, 162, 180, 202, 222, 240, 258, 280, 296, 315, 334, 352, 372, 413, 433, 463, 472, 491; accommodation indorsements, 180; accommodation note, 14, 453; action against indorser, 334; action on note, 120; bills of exchange, 491; bona fide purchasers, 140, 258, 483; certificate of protest, 259; conditions, 433; conditions precedent, 100; consideration, 296, 315; extension, 80, 453; fraud, 80, 180; gaming transactions, 296; guaranty, 120; indorsement, 14, 258; indorser, 60; liability of indorser, 100, 315; liability of sureties, 80; negotiable note, 100; negotiability, 14, 40, 491; parol evidenêe, 202; principal and surety, 141; release of sureties, 241; renewals,

Bill of Exceptions, 202.

Bill of Revivor, 202.

Bona Fide Purchaser, 352.

Bonds, 280.

Boundaries, 60, 258, 433.

Brokers, action for commissions, 453. Building and Loan Associations, 14, 121, 162, 202, 222, 241,

2011ding and Loan Associations, 14, 121, 162, 202, 222, 241, 296, 315, 384, 352, 413, 433, 472; usury, 162; withdrawal, 121, 334.

Burglary, 142, 260, 281, 484.

Carriers of Goods, 80, 121, 141, 222, 259, 315, 885, 372, 418, 488, 472, 491; breach of contract, 141; connecting lines, 80, 491; liability for loss, 121; lien for charges, 385; rights of consignee, 121; unjust discrimination, 222.

Carriers of Passengers, 15, 40, 61, 81, 101, 121, 202, 222, 241, 280, 315, 334, 372, 394, 453, 472, 491; baggage, 280; contributory negligence, 372; exemplary damages, 222; failure to stop train, 15; independent contractors, 815; misconduct of conductor, 872; negligence, 40, 61, 81, 101, 315, 472, 491; refusal to stamp ticket, 241. Cemeteries, 315, 491.

Certiorari, 372, 453; right to maintain, 453.

Charities, 394.

Chattel Mortgage, 15, 40, 61, 101, 121, 141, 162, 180, 202, 241 296, 315, 352, 433, 453, 473; accounting, 352; assignment of mortgaged property, 121; consideration, 315; crops, 202; description, 101; loss of lien, 141; notice, 101; pre-existing debt, 15; priorities, 108, 241; recording, 296; removal of goods, 121; sufficiency of description, 121, 433; transfer of property, 352.

Conflict of Laws, 121, 141, 162, 335; usury, 121.

Conspiracy, 41, 141, 142; measure of damages, 141 Constitutional Law, 15, 61, 81, 121, 141, 162, 180, 222, 259, 280, 296, 315, 335, 352, 372, 414, 453, 478, 491; due process, 15; ex post facto laws, 259, 296; forfeiture for taxes, 180; improvement of highways, 15; indictments, 121; interstate commerce, 315; licenses, 372; limitation in contract, 180; obligation of contracts, 61; officers, 61; police power, 61; statutes, 815; trial by jury, 141; trust companies, 15; weighing coal at mines, 162.

Contempt, 40, 162, 352; affidavit, 40; of court, 40. Contract, 15, 40, 61, 81, 101, 121, 141, 162, 180, 202, 222, 241, 259, 280, 296, 315, 335, 352, 372, 394, 414, 433, 454, 478, 492; acceptance, 180, 315; accord and satisfaction, 61; action for breach, 372; breach, 180, 259; building contract, 296, 352; cancellation, 121, 372, 433; conditions precedent, 141; consideration, 61, 180, 259, 414; consignment of goods, 296; construction, 15, 40, 121, 180, 222, 492; damages, 121, 835, 853; duress, 15, 40; entirety, 478; execution, 61; executory contract, 162; failure of consideration, 15; fraud, 414; gaming contracts, 122, 378; in restraint of trade, 81, 241, 315, 414; joint contract, 101; lease, 222; measure of damages, 15; mortgage, 141; mutuality, 434; of foreign corporation, 15; of Indemnity, 394; option contract, 478; parol evidence, 241; parties, 414; performance, 202, 373; pleading, 373; public policy, 122, 202; ratification, 454; reformation, 15, 478; rescission, 259, 280, 414, 492; sale, 202; statute of frauds, 202; under seal, 40; validity, 815.

Conversion, 15, 280, 454; personal property, 15; pleading,

454; what constitutes, 280

Corporation, 16, 40, 61, 81, 101, 122, 141, 162, 181, 202, 223, 242, 259, 280, 297, 315, 335, 353, 373, 394, 414, 434, 454, 478, 492; action on subscription, 202; assessment on stock, 162; authority of president, 894; consolidation, 373; dividends on stock, 259; domicile, 122; failure to do business, 280; foreign corporation, 40, 101, 122, 292, 223, 297, 414, 492; insolvency, 16, 223, 297, 353, 373, 478; insolvent corporation, 61, 122, 141, 434; joint stock companies, 41; liability, 142; liability of directors, 16: liability of stockholders, 16, 41, 162, 281; officers, 181, 414; powers, 16, 41, 281; receiver, 81, 385; reorganization, 181; right to inspect stock books, 122; sale of assets, 122; stock, 203; stockholders, 373; stock subscriptions, 101, 223, 297; transfer of stock, 16, 223; ultra vires, 281; unpaid subscription, 316; venue. 473.

Counties, 101, 122, 142, 181, 203, 297, 878, 484, 454; liabilities, 373; limitation upon indebtedness, 181; powers, 122.

County Attorney, 61.

County Commissioners, 478.

County Officers, 16. County Warrants, 162, 853.

Courts, 16, 101, 203, 242, 894; concurrent jurisdiction, 208; jurisdiction, 16, 242, 394; probate courts, 101. Covenant, 41, 62, 414; of warranty, 142.

Creditors' Bill, 163.

Criminal Evidence, 16, 41, 62, 81, 101, 122, 142, 181, 228, 242, 297, 816, 335, 353, 378, 394, 414, 434, 454; assault with intent to rob, 41; confession, 122, 181, 434; former acquittal, 373: fornication, 81.

Criminal Law, 16, 41, 62, 81, 101, 122, 142, 163, 181, 203, 223, 242, 260, 281, 297, 316, 335, 353, 373, 395, 414, 484, 454, 478, 492;

accomplice, 253: assault with intent to kill- 293: as sault with intent to murder, 41: assault with intent to rape, 16; ball, 16; change of venue, 16, 242; corpus delicti, 464; credibility of witnesses, 16; false pre-tenses, 434; former conviction, 228, 281; former jeopardy, 816; gaming, 203; grand jury, 181; indictment, 62, 242, 297; instructions, 385, 895; intoxication as a defense, 281; lotteries, 62; manslaughter, 816; pardon, 484; plea of guilty, 242; rape, 203, 260, 484, 454; refusal to support wife, 17; resisting arrest, 414; robbery, 101, 281; sentence, 242; swindling, 62; theft, 62; threatening letters, 316; verdict, 41.

Criminal Libel, 82; what constitutes, 395. Criminal Practice, 17, 62, 82, 102, 142, 181, 281, 298, 353, 374, 454, 492; false pretenses, 17; indictment, 181.

Criminal Trial, 298, 484, 454.

Damages, 82, 163, 203, 223, 298, 353, 434, 492; evidence, 223; instructions, 434; permanent injuries, 82; personal injuries, 168.

Death by Wrongful Act, 17, 82, 242; parties, 17; survival of right of action, 17.

Deceit, 122, 163, 181, 203, 816, 835, 358, 454; false representations, 163, 181, 208; fraud, 835; sale of stock, 122. Decree, impeachment, 208.

Dedication, 17, 374; acceptance, 17; ownership of legal title, 874.

Deed, 17, 41, 62, 82, 102, 122, 142, 168, 181, 203, 224, 242, 260 281, 298, 316, 336, 353, 374, 395, 434, 454, 478, 492; acknowl edgment, 62, 122, 358; as mortgage, 434; boundaries, 358; cancellation, 17, 163, 281, 478; conditions subsequent, 895, 492; consideration, 17; construction, 17, 62, 161, 281; covenant, 17, 260, 281; delivery, 17, 62, 836, 474; description, 18; equitable mortgage, 82; equi-44; description, 18; equitable mortgage, 82; equitable title, 122; escrow, 874; evidence, 474; execution, 474; false representation, 853; fraud, 296, 895; grantee not in being, 208; husband and wife, 244; incapacity, 122; Intention of grantor, 62; mental capacity, 41; mortgage, 474; purchase price, 122; quitclaim deed, 41; recording, 82; registration, 224; reservation, 260; restrictions, 816; right to dower, 374; setting aside, 474; sufficiency of description, 142; surrender, 374; tenants in common, 123; testamentary deed, 142; validity,

Descent and Distribution, 454.

Detinue, writ, 181.

Discovery, 224.

Divorce, 18, 82, 102, 142, 260, 298, 853, 49s; collusion, 82; cruelty, 298; decree for allmony, 142; judgment, 18. Dower, 41, 128, 163, 243, 434; election, 128; release, 41. Draft, acceptance, 182.

Easement, 18, 123, 142, 260, 414, 474, 498; party walls, 414; right of way, 18; way, 142; what constitutes, 260. Ejectment, 18, 41, 92, 316, 353, 435; boundaries, 18; plead-

ing, 82; title, 41; when lies, 18.

Elections and Voters, 18, 102, 128, 182, 248, 298, 816, 886, 895, 414, 485, 454, 474; ballots, 895; contest, 102; illegal bailots, 123; validity, 415

Election of Remedies, 142, 163; action on note, 163.

Embezziement, 41, 242, 316.

Eminent Domain, 18, 128, 248, 298, 336, 354, 498; compensation, 18, 336; condemnation, 493; condemnation proceedings, 243, 298; personal property, 836; pleading, 354.

Employer's Liability Insurance, 203.

Equitable Assignment, 142.

Equitable Mortgage, 281.

Equity, 18, 41, 82, 102, 316, 354, 374, 435; bills of review, 41; intervention, 354; mortgage, 82; pleading, 41, 102, 336; reformation of contract, 18; remedy at law, 435. Estates, remainders, 63.

Estoppel, 18, 68, 128, 224, 336, 854, 415, 485, 454, 474; by deed, 354; husband and wife, 63; pleading, 123; to assert title, 386.

Estoppel in Pais, 63, 435, 454.

Evidence, 18, 42, 82, 102, 123, 143, 163, 193, 208, 224, 248, 260, 316, 386, 854, 374, 395, 454, 474; best and secondary, 128; conflict of laws, 243; customs and usages, 374; damages, 224; death by wrongful act, 203; declarations, 18, 143, 248 260 intoxication, 316; opinion evidence, 336; parol evidence, 18, 42, 102, 163, 224, 474; res gestæ, 208

Execution, 63, 162, 143, 163, 182, 203, 243, 281, 336, 354, 474; action on forthcoming bond, 63; discretion of court, 182; exemption, 163, 243, 281, 354; judgment, 474; levy, 386; payment, 854; property exempt, 203; sale, 102, 182, 282, 354; setting aside sale, 143.

Executors and Administrators, 435. False Imprisonment, 42, 63, 82, 260.

False Representations, 143. Federal Courts, 19, 42, 63, 82, 102, 143, 163, 224, 248, 282, 298, 316, 836, 374, 395, 415, 493; diverse citizenship, 19, 63, 102, 336; following State courts, 42; jurisdiction, 42, 63, 82, 143, 163, 224, 874, 415; supreme court, 42, 395.

Federal Offense, 63, 203, 260.

Forcible Entry and Detainer, 63, 163, 336.

Forgery, 17, 142, 181.

Frauds, Statute of, 19, 182, 224, 260, 282, 336, 354, 435, 454, 493; parol contract, 282; sales, 19; vendor and purchaser, 260.

Fraudulent Conveyance, 19, 63, 82, 102, 123, 143, 163, 192, 203, 224, 243, 282, 299, 317, 386, 374, 395, 435, 454, 474, 498; action by administrator, 82; action to set aside, 102; burden of proof, 82; chattel mortgage, 19; gift to wife, 102; husband and wife, 19, 143, 182; knowledge of grantee, 19, 243; mortgage to secure creditors, 63; parent and child, 224; partnership, 49; preference, 374; receiver, 203; rights of parties, 455; voluntary conveyance, 83; what constitutes, 163.

Game Laws, 143.

Gaming, 81, 337.

Garnishment, 19, 63, 102, 123, 163, 182, 224, 261, 282, 317, 337, 354, 415; claims of third parties, 19; res judicata, 163; salary of city officer, 123.

Gifts, 19, 163, 354; causa mortis, 298, 354; delivery, 19, 354. Guaranty, 143, 317, 374, 395, 415, 435; consideration, 143, 415: construction, 19: evidence, 485.

Guardian and Ward, 874, 415.

Habeas Corpus, 143, 248, 261, 298, 317, 395, 475, 493; constitutionality of statute, 248; extradition, 261; State and federal courts, 143.

Hawkers and Peddlers, 282.

Highways, 19, 83, 103, 182, 243, 282, 298, 317, 395, 435, 455, 475; abandonment, 395; abutting owners, 435; dedication, 103, 243; location, 282; negligence, 317; presumption of dedication, 182; rights of abutters, 182; vacation, 455.

Homestead, 19, 63, 88, 103, 123, 143, 164, 182, 203, 224, 243. 299, 317, 375, 395, 415, 435, 455, 475, 493; abandonment, 19, 83, 243, 415; declaration, 299; execution, 63; exemptions, 103; fraudulent conveyance, 182; judgment lien, 395; mortgage, 224; partition among heirs, 143; when right attaches, 164; widow's distributive share, 123.

Homicide, 16, 62, 81, 101, 142, 163, 181, 228, 242, 260, 281, 297,

335, 358, 378, 395, 414, 434, 454.

Husband and Wife, 19, 42, 63, 83, 103, 143, 164, 182, 224, 299, 337, 354, 375, 395, 415, 485, 455, 493; agency, 182; alienation of wife's affections, 83; alimony, 375; antenup tial contracts, 182; charging wife's separate estate, 19; community property, 42, 395; contracts, 19, 143; curtesy, 103, 164, 354; dower rights, 143; gift, 224; partnership, 182; resulting trust, 493; tenants by entirety, 68; validity of slave marriage, 42.

Impeachment, 396.

Infants, 19, 415; necessaries, 19.

Injunction, 20, 63, 83, 103, 123, 143, 164, 283, 224, 244, 261, 299, 817, 387, 354, 375, 896, 415, 475, 493; damages, 183; dissolution, 164; easement, 493; enforcement of judgment, 88; jurisdiction, 143; parties, 83; restraining order, 103; restraining trespass, 123; use of trade name, 354.

Innkeepers, 455.

Insanity, 223.

Insolvency, 83, 299, 817; discharge, 299; preference, 317. Insurance, 20, 42, 63, 83, 123, 164, 183, 204, 244, 261, 282, 299, 317, 337, 355, 375, 415, 455, 475; agency, 375, 415; agreement to insure, 282; books of account, 183; conclusiveness of receipt, 42; condition, 164, 415; intentional injury, 42; proofs of loss, 261; right of action,

299; right to enforce policy, 355; substituted policy. 299; total destruction, 63; vacation of premises, 20; violation of conditions, 83, 123; waiver of conditions, 183.

Insurance Company, service of process, 164.

Interest, 123, 244, 299; rate, 20; when payable, 299.

Interplea, res judicata, 317.

Interpleader, rights determined, 317.

Interstate Commerce, 164. Intoxicating Liquors, 20, 42, 64, 83, 123, 143, 224, 244, 261, 299, 355, 485, 493; civil damages, 83, 123; illegal sales, 20, 42, 355; license, 64, 143, 244.

Joint Tort-feasors, 83.

Judge, disqualification, 282.

Judgment, 20, 42, 64, 83, 103, 124, 143, 164, 183, 204, 244, 261, 299, 318, 337, 355, 375, 696, 416, 436, 455, 475, 493; admissibility in evidence, 244; amendment, 396, 436; appearance, 855; by default, 299; collateral attack, 396, 436, construction, 20; default judgment, 20; entry, 103; erroneous entry, 183; execution, 64, 455; foreign judg ment, 124, 436; infant, 64; joint defendants, 42; lien, 244, 396; parties, 493; proof, 436; res judicata, 164, 355, 455; revival, 355; set-off, 375; stay of proceedings, 143; summons, 83; vacating for fraud, 64; vacation, 20, 42, 204, 337, 375, 455.

Judicial Sale, 20, 143, 224, 261, 299, 337; confirmation, 261. Justice of the Peace, 20, 204, 375, 396, 475.

Landlord and Tenant, 20, 83, 103, 124, 164, 183, 204, 225, 244, 261, 299, 318, 338, 355, 375, 396, 436, 456, 475; duty to repair, 103; lease, 20, 375, 396, 436, 456, 475; lien for advances, 164; lien for rent, 21, 355; oil lease, 83; tenant at will, 84, 204.

Landlord's Lien, 84, 416.

Larceny, 17, 63, 101, 181, 242, 260, 395, 454.

Libel, 21, 103, 124, 244, 396, 456, 475; actions ex delicto, 124; evidence, 244; privileged communications, 103; publication, 21; words actionable per se, 124.

Libel and Slander, actionable words, 375.

License, revocation, 261.

Life Insurance, 21, 42, 64, 84, 103, 143, 164, 204, 225, 261, 299, 875, 436, 475, 493; assignment, 225; beneficiaries, 103; change of beneficiaries, 21, 143; conflict of laws, 84; contract, 144; failure to pay premiums, 204, 475; false representations, 42; forfeiture, 21; insurable interest, 164, 493; payment of premiums, 144; premiums, 42; proof of death, 261.

Limitations of Actions, 21, 43, 64, 103, 144, 164, 183, 204, 244, 261, 282, 338, 396, 416, 456, 476; non-residence, 144, 204. Lis Pendens, 164, 375; bona fide purchaser, 164.

Malicious Prosecution, 21, 84, 204, 300, 318, 436; probable cause, 204, 300.

Mandamus, 21, 43, 64, 124, 144, 164, 183, 204, 225, 282, 355, 375, 396, 416, 486, 456; against city council, 355; title to office, 375, 396; when lies, 282. Marriage, 103, 183, 261, 339, 494; annulment, 103, 183;

breach of promise, 104, 494; nullity, 261; validity, 339. Married Women, 21, 124, 144, 164, 183, 225, 261, 396, 456, 494; contracts, 21; covenants of warranty, 183; right of

action, 225.

Master and Servant, 21, 48, 64, 84, 104, 124, 144, 164, 183, 204, 225, 244, 261, 282, 300, 338, 355, 376, 396, 416, 436, 456, 476, 494; assumption of risk, 144, 355, 436, 494; contract of employment, 21, 104; contributory negligence, 22; dangerous machinery, 396; death by wrongful act, 436; defective appliances, 84; duty to warn servant, 204; fellow-servant, 144, 264, 261, 282, 456, 494; independent contractors, 800; injury to servant, 22, 43, 261, 376, 416, 456; master's liability, 43, 124; negligence, 22, 48, 64, 84, 104, 124, 164, 183, 225, 244, 376, 396, 436, 456, 476, 494; personal injuries, 261; vice-principal, 84.

Mechanic's Liens, 22, 43, 64, 84, 104, 124, 144, 184, 205, 244, 282, 318, 338, 356, 376, 416, 436, 456, 494; attachment, 64; mining improvements, 43; priority, 456; property subject, 124; statement, 22; waiver, 205.

Merger, estates, 64.

Mines and Mining, 104, 164, 282; mining claims, 104, 456. Mining Lease, 22, 494; construction, 22.

Mortgage, 22, 43, 64, 84, 104, 125, 144, 165, 184, 205, 225, 245, 261, 282, 800, 318, 338, 356, 376, 397, 416, 436, 456, 476, 494; assignment, 125; bona fide purchaser, 144; cancella

tion, 261; consideration, 225; construction, 300; deficiency decree, 376; deficiency judgment, 245; description of property, 818; distribution of proceeds, 22; equitable mortgage, 376; foreclosure, 22, 64, 84, 104, 184, 205, 262, 282, 300, 356, 376, 397, 476, 494; lien, 416; mistake in description, 476; marshaling assets, 125; merger, 125, 184; payment, 43, 165, 283; priority, 300, 888; record, 318, 388; redemption, 22, 43, 356; release, 282, 300, 494; res judicata, 283; rights of parties, 144; subrogation, 104, 262; trust deed, 205, 225; usury, 84; validity, 22, 144, 494; writ of assistance, 457.

Municipal Bonds, 22, 64, 205. Municipal Corporation, 22, 44, 65, 84, 104, 125, 144, 165, 184, 205, 225, 245, 262, 283, 300, 318, 338, 356, 376, 397, 416, 437, 457, 476, 494; assessments for street improvements, 245; change of grade, 125; city warrants, 416; contracts, 144; dedication of streets, 184; defective sidewalk, 184, 245, 300, 437, 457; delegation of powers, 262; disqualification of officer, 65; eight hour law, 23; expenditures, 338; funding bonds, 416; grading contracts, 476; illegal acts, 104; improvements. 262; injury to abutting property, 84; ordinance, 65, 84, 165, 376, 457; power, 125, 457; removal of officers, 417; sidewalks, 283; special assessments, 245; street improvements, 44, 476; surface water, 23; taxation, 356; va-

cating streets, 105. Municipal Improvements, 28, 44, 105, 165, 184, 318,

Murder, 62, 102, 122, 223.

National Banks, 23, 44, 105, 184, 376, 397, 494; assessment of stock, 376; increase of stock, 23, 44; powers, 44; usury, 184.

Negligence, 23, 44, 105, 125, 165, 184, 205, 262, 800, 818, 338, 356, 1376, 457, 477, 494; contributory negligence, 28; dangerous premises, 205, 262; imputed negligence, 23; injury to employee, 300; passenger on elevator, 44; proximate cause, 300; railroad companies, 165. New Trial, 105, 125, 145, 185, 376, 397; newly-discovered

evidence, 125, 185; surprise, 145.

Notary Public, 283.

Nuisance, 125, 283, 300, 318; abatement, 283; license, 125. Office and Officers, 65, 84, 105, 125, 145, 165, 185, 263, 283, 318, 376, 397, 477; dismissal of policeman, 185; following trust funds, 145.

Parent and Child, 23, 44, 145, 165, 263, 283, 376; action for services, 376; contracts for services, 145; death of child, 263

Parties, 897, 417.

Partition, 23, 205, 877; pleading, 23; sale, 205.

Partnership, 23, 44, 65, 125, 145, 165, 185, 205, 245, 263, 284, 256, 377, 417, 437, 457, 477, 495; accounting, 284, 495; appointment of receiver, 377; assets, 205; assignment for creditors, 125; claim against firm, 125; contract by member of firm, 165; contract creating, 417; dissolution, 263, 356; retiring partner, 145; service, 23; surviving partner, 44.

Party Wall, 263, 819, 495.

Payment, 23, 376, 397; application, 377; voluntary payment, 23.

Perjury, 102, 260.

Physicians and Surgeons, 185, 457.

Pleading, 23, 44, 65, 84, 105, 145, 165, 263, 856, 897, 417, 457, 477; amendment, 897; answer, 44; bill of particulars, 165; cloud on title, 44; declaration, 105; demurrer, 417; set-off and counterclaim, 145, 263; trespass, 23; verification, 457.

Pledge, 65, 165, 245, 300, 338, 377, 437; collaterals, 377; enforcement, 800; factors, 65,

Power of Attorney, 145, 495.

Principal and Agent, 28, 44, 65, 85, 145, 165, 185, 225, 245, 263, 284, 301, 314, 339, 357, 377, 397, 437, 457, 477, 495; au thority of agent, 225; conversion by agent, 165; husband and wife, 377; implied agency, 339; knowledge of agent, 819; ratification, 65, 477; representations of agent, 377; unauthorized sale by agent, 185; undisclosed agency, 839; when relation exists, 225.

Principal and Surety. 24, 65, 125, 145, 165, 185, 205, 245, 319, 339, 397, 417, 437, 477; discharge, 65; release of surety,

Process, 24, 85, 165, 357, 437; service, 85, 437; summons, 24, 457: witness, 24.

Public Lands, 24, 65, 145, 165, 206, 319, 357, 397, 458, 477, 495; boundaries, 165; entry, 65; indemnity grants, 819; pre-emption claim, 206; railway grant, 145.

Quieting Title, 105, 145, 477; compelling bringing of suit

Quo Warranto, 85, 319.

Railroad Companies, 24, 44, 65, 85, 105, 125, 145, 165, 185, 225, 245, 263, 284, 301, 319, 389, 857, 377, 397, 417, 487, 458, 477, 495; adverse possession, 185; consolidation, 801; contributory negligence, 65; crossings, 65; discrim ination, 125; elevated railroad, 65; fences, 284; fires. 245, 357; injury to persons on track, 44; injury to stock, 145; killing stock, 105; negligence, 44, 65, 85, 165, 225, 284, 801, 377; receivers, 263, 839; right of way, 495; street railroads, 24, 45, 105, 125, 185, 225, 246, 268, 284, 319, 377, 398, 437, 458.

Rape, 373.

Real Estate Brokers, 24, 126, 165, 206, 284, 357, 418; commissions, 126, 165, 284, 418.

Receivers, 24, 85, 105, 126, 145, 165, 185, 206, 226, 246, 263, 319, 339, 357, 398, 437; actions against, 263; appointment, 145, 185, 398; collateral attack, 206; contempt, 126; insolvency, 437; insolvent corporation, 105; operating expenses, 85.

Release and Discharge, 66, 105.

Religious Societies, 458, 477

Removal of Causes, 24, 45, 66, 105, 145, 206, 226, 264, 301, 389, 357, 377, 398, 418, 487; amount in controversy, 418; diverse citizenship, 226; federal question, 45, 145, 264, 398; joinder of defendants, 24; local prejudice, 66; separable controversy, 857; time of application, 877.

Replevin, 24, 45, 66, 105, 185, 246, 301, 820, 857, 377, 418; bond, 185; demand, 24; pleading and proof, 45; sequestration, 66.

Res Judicata, 24, 45, 85, 106, 126, 226, 301, 839, 398, 487, 478; adverse possession, 85; new trial, 24.

Rewards, 458.

Riparian Rights, 339.

Sales, 24, 45, 66, 85, 126, 145, 186, 206, 226, 246, 264, 284, 301, 320, 340, 378, 398, 437, 458, 478, 495; acceptance of goods, 458; action for price, 246; bailment, 340; bona fide purchaser, 320; breach, 45; conditional sale, 45, 264, 301, 378, 478, 495; construction of contract, 24; delivery, 284; executed contract, 145; fraud, 126, 206, 284; liability of purchaser, 126; refusal to accept goods, 66; rescission, 85, 378; title to property, 437; validity, 320; warranty, 24, 85, 226; what constitutes, 478.

Schools, 478; tuition, 166.

Seduction, 495.

Set-off, 25, 378.

Sheriffs and Constables, 898, 458, 496.

Slander, 146, 264, 357, 378; punitary damages, 146; witnesses, 378.

Specific Performance, 25, 66, 86, 146, 226, 264, 301, 418, 437, 478; evidence, 25.

Stakeholder, liability for costs, 357.

Statutes, 25, 86, 106, 166, 206, 246, 340, 357, 378, 418; construction, 25, 86, 340; enactment, 378; repeal, 166; validity, 246.

Subrogation, 106, 126, 166, 301, 357.

Taxation, 25, 45, 66, 126, 146, 166, 206, 226, 246, 284, 301, 320, 858, 377, 398, 418, 438, 458, 478, 496; enforcement, 66; equalization, 66; exemption, 45, 126, 226, 284, 320, 438; injunction, 146, 284; legality of assessment, 25; municipal assessments, 418; property subject, 478; recovery of taxes, 226; subrogation, 45.

Tax Sale, 25, 45, 86, 166, 377; conclusiveness, 45; redemption, 166.

Tax Deed, 25, 246; incomplete description, 25.

Telegraph Companies, 25, 126, 166, 226, 378, 438, 458; damages, 438.

Telephone Companies, 45.

Tenant in Common, 66, 186, 206, 246, 302, 320, 340, 458, 496. Tender, 45, 226, 458; conditions, 45; fraud, 458; sufficlency, 226.

Towns, 25, 45. Trade-mark, 66, 106, 126, 302, 310, 496. Trade Names 146.

Trespass, 66, 56, 126, 226, 264, 358, 398, 418, 496; adjoining owners, 418; damages, 226; to realty, 358; to try title, 418.

Trial, 25, 45, 86, 106, 146, 166, 186, 206, 246, 302, 340, 358, 378, 438, 478, 496; damages, 86; directing verdict, 25; evidence, 45; improper remarks to jury, 25; instructions, 25; jury, 246; misconduct of jurors, 146; special verdict, 478; sufficiency of notice, 166; verdict, 26, 206, 378, 496; witnesses, 186.

Trover, 46, 226; damages, 46; when maintainable, 226. Trover and Conversion, 106.

Trust and Trustee, 26, 46, 66, 86, 106, 126, 226, 246, 264, 284, 802, 820, 840, 838, 378, 398, 418, 488, 496; charitable truste, 358; constructive trust, 26; equitable jurisdiction, 86; following trust funds, 378; husband and wife, 246; misappropriation of funds, 66; resulting trust, 46, 284, 340, 358, 418.

Trust Deed, 26, 66, 86, 166, 284; validity, 284.

Usury, 46, 126, 186, 302, 320, 398, 418, 458, 478, 496; action on judgment, 820; defense, 302; forfeiture, 126; renewal notes, 398; what constitutes, 496.

Vendor's Lien, enforcement, 106.

Vendor and Purchaser, 26, 46, 66, 56, 106, 126, 146, 166, 186, 226, 246, 264, 302, 320, 340, 358, 398, 438, 458, 478, 496; contracts, 186; executory contract, 126; failure of consideration, 320; fraud, 186; lien, 186; rescission, 26; sale of mining lands, 146.

Warehouseman, 246, 398.

Warrant, 302.

Warranties, 86.

Water Companies, 126, 146, 284, 358.

Water Course, 146, 358, 398, 478.

Water Rights, 46, 320, 340, 378, 438, 478, 496; prior appropriation, 46.

Waters, 46, 106, 166, 186, 340, 358, 398, 418, 438, 496; irrigation, 166, 340, 418, 438; right to appropriate, 166; ringian owner, 166; surface water, 496

riparian owner, 106; surface water, 496.
Will, 26, 46, 86, 106, 126, 146, 166, 186, 206, 226, 246, 264, 284, 302, 320, 340, 359, 878, 418, 438, 458, 496; appointment of executor, 26; bequest, 186, 284, 418; contingent remainder, 86; charge on realty, 26; construction, 46, 166, 186, 206, 418, 438; defeasible estate, 126; descent and distribution, 146; establishment, 26; execution, 302; execution, 26; husband and wife, 86; legacies, 302; nature of estate, 46; perpetuities, 26; power of appointment, 458; precatory trust, 458; probate, 26; remainders, 106; rule in Shelley's case, 378; specific legacies, 358; trusts, 46, 206, 226; undue influence, 458; validity of bequest, 26; vested interests, 338; vested remainder, 26, 246.

Witness, 26, 66, 86, 126, 146, 166, 186, 206, 226, 302, 320, 340, 488, 478; competency, 302; contempt, 438; credipility, 186; evidence as to character, 86; examination, 26; husband and wife, 478; impeachment, 66, 86, 146, 206, 226, 320; privileged communications, 126, 186; transactions with decedent, 66, 86.

Wrongful Attachment, 166, 398; damages, 166.

